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Statement submitted by Madre, a non-governmental organization in consultative status with the Economic and Social Council*

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* The present statement is issued without formal editing.

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Statement

As all Iraqi citizens face daily insecurity due to terrorism and civil strife, women and girls experience additional, targeted abuse because of their gender. The impact of the crisis in Iraq on women and girls has been grave under the control of the Islamic State of Iraq and the Levant as well as when fleeing from violence to central and southern Iraq. Since the takeover of several major cities in Iraq in June 2014, the Islamic State of Iraq and the Levant has imposed its fundamentalist agenda directly on the bodies of women.

Within days, credible reports began emerging of the Islamic State of Iraq and the Levant's fighters abducting and raping women in the territories they control. The Islamic State of Iraq and the Levant militants have committed grave human rights violations, including execution, severing hands, rape, sexual slavery, and flogging. Fatwas have been issued calling for sexual slavery in the form of "gifting" women for the new Caliphate fighters, under the Islamic State of Iraq and the Levant decree imposing "Jihad Al Nikah" or sexual jihad.

If the Islamic State of Iraq and the Levant succeeds, a large part of Iraqi society would be ruled by a brutal Islamic state that uses murder, torture, and cruel, inhuman and degrading treatment, against those it deems as not adhering to a narrow religious extremism. As men have heeded calls to fight, women have become the heads of hundreds of thousands of households. Women and children in their care are also the majority of the near two million people who have fled their homes in fear of the Islamic State of Iraq and the Levant and airstrikes.

As gender-based violence escalates in the growing sectarian conflict, it is critical to expand safety mechanisms for women and girls by establishing and maintaining safe housing, and promoting women's rights to physical security. Linking this imperative to the creation of lasting positive change requires strengthening the capacity of progressive Iraqi citizens and organizations committed to ending Gender-Based Violence and addressing pre-existing threats to women and girls, embedded in Iraq's law and social norms.

In Iraq today, women and girls contend with myriad forms of discrimination and Gender-Based Violence. Despite numerous provisions under Iraqi law that aim to protect women's human rights, violence against women remains egregious and widespread. Weak rule of law and judicial process, in combination with social tolerance, have fostered the growth of organized crime, impunity for gender-based and domestic violence, trafficking, rape, and a resurgence of harmful traditional practices based on tribal and religious law as well as exclusion from the public sphere and the denial of equitable access to legal protections and public services.

Gender-Based Violence and discrimination

Reports from the region indicate that the Islamic State of Iraq and the Levant militia have gone door to door, forcing their way into homes, killing men and male children and abducting women and girls in Mosul and Tel Afar. Once detained, women must convert to the extremist interpretation of Islam. They are then sold to Islamist fighters in an open market held in former bazaars, a school and a cinema building. Prices range from $100 to $1,000 USD. If women refuse to convert, the punishment is daily rape — in some instances by dozens of men over the course of only a few hours — and a slow death.

Rape and sexual assault, while criminalized in the penal code, continue to be met with apathy hence impunity prevails. The Criminal Code states that perpetrators of crimes involving sexual violence may be exonerated if they marry their victim. In cases where rape results in the death of the victim, the Penal Code does permit a maximum sentence of life imprisonment, though this is rarely enforced.

Therefore, overt and pervasive discrimination in the legal and criminal justice system as well as widespread Gender-Based Violence in form of rape, domestic violence, and trafficking exclude women and girls from the public sphere forcing them to forfeit their rights to education, employment, legal and other public services.

Honour killings

Norms of "family honour" recognized in Iraq's penal code, which permits honour considerations to mitigate sentences, are a grave threat to women and girls who have been detained or abused by fighters. Some Iraqis have called on their Government to bomb the Islamic State of Iraq and the Levant-controlled makeshift prisons where women are being held, sold and raped, in order to erase the perceived affront to the honour of those communities. Honour killings are committed against women in Iraq by family or community members as a way to restore collective honour and are often arranged to appear as suicides. In addition, women fleeing from attempted honour killings, domestic violence, trafficking, forced prostitution or forced marriage cannot obtain legal identification without verification from a male family member. Without such identification documents, women cannot travel, find housing, obtain employment, access health services, or enrol in education institutions. In such cases, women become stateless and are left more vulnerable to violence and discrimination. According to reports on the ground, thousands of stateless women reside in every major city in Iraq.

Forced, under-aged, and temporary marriages

Severe gender discrimination in Iraq's personal status law also further erodes women's rights in the current climate. As militias mobilize throughout the country, hundreds of thousands of households have lost male breadwinners. Ensuing financial desperation has induced a rise in forced, temporary and under-aged marriages. Temporary marriages, previously rare, have re-emerged under the growing influence of certain religious leaders. In this controversial practice, women and girls are "married" in the presence of a religious figure for a fixed period of time, which can be as short as several hours. Such marriages are, in fact, a form of religiously sanctioned prostitution, with payment defined as a "dowry" to the woman or her family. However temporary marriage does not protect women from honour killings if the relationship is disclosed; neither does the man acknowledge his children who are born in such a union. Forced marriages, also on the rise, have led to a spike in suicides, especially by self-immolation, as young women protest non-consensual marriage arrangements.

The pending Ja'afari draft law, proposed prior to the Islamic State of Iraq and the Levant's incursion, threatens a number of women's human rights. It includes provisions that would lower the marrying age for girls to nine years old and legalize marital rape by entitling a husband to non-consensual sex with his wife. The draft law would also prevent women from leaving the house without permission from

their husband, automatically grant custody for children over two years old to the father in divorce cases, and significantly limit women's rights in matters of inheritance. Justice Minister Hassan al-Shmmari introduced the draft law to the Council of Ministers on October 27, 2013. It remains pending despite strong opposition from Iraqi civil society, including some religious leaders.

In the absence of Government sponsored services and legal remedies to address gender-based violence, local Iraqi women's Non-Governmental Organizations are at the forefront of providing necessary services. Even before the Islamic State of Iraq and the Levant's invasion, Iraqi Non-Governmental Organizations and women's rights defenders seeking to assist women and girls encountered regular harassment, arbitrary surveillance, and warrantless searches. Many human rights organizations are forced to operate illegally and clandestinely, especially those who shelter women fleeing violence, which remains illegal for Non-Governmental Organizations in central and southern Iraq.

Recommendations

In order to address violence and discrimination against Iraqi women and girls, the government of Iraq and Donor States must prioritize the following:

Amend the shelter law to allow Non-Governmental Organizations to run private shelters for displaced families and individuals. Local Iraqi women's organizations are mobilizing an emergency response to protect people at severe risk as the threat of sectarian violence grows. They are in the best position to reach displaced families and to provide shelter and aid and their efforts must be supported.

Withdraw the pending Ja'afari law that would legalize marriage for girls, aged nine years and older, sanction marital rape and limit women's rights in custody, divorce and inheritance.

Amend the honour crimes law to equate killings motivated by "honour" with all murder under law, in compliance with international law.

Establish a mechanism for displaced women and girls to obtain identification documents without the need for verification from a family member in order to facilitate their access to housing, health services, employment and education.